

**Notice of Allowability**

Application No.

10/083,425

Applicant(s)

BULMAN ET AL.

Examiner

Phu K. Nguyen

Art Unit

2628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the correspondence filed 2/6/09 and the telephone on 3/6/09.
2. ☒ The allowed claim(s) is/are 14-44, 46-73, 91, 93 and 95-97.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3/6/09</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|  | 9. <input type="checkbox"/> Other _____  |

/Phu K. Nguyen/  
Primary Examiner, Art Unit 2628

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Bomzer on March 6, 2009.

The application has been amended as follows:

Cancel the withdrawn claims 1-13, 74-84, 92.

In claim 15, line 1, replace "A" by -- The --.

In claim 16, line 1, replace "A" by -- The --.

In claim 17, line 1, replace "A" by -- The --.

In claim 18, line 1, replace "A" by -- The --.

In claim 19, line 1, replace "A" by -- The --.

In claim 20, line 1, replace "A" by -- The --.

In claim 21, line 1, replace "A" by -- The --.

In claim 22, line 1, replace "A" by -- The --.

In claim 23, line 1, replace "A" by -- The --.

In claim 24, line 1, replace "A" by -- The --.

In claim 25, line 1, replace "A" by -- The --.

In claim 26, line 1, replace "A" by -- The --.

In claim 27, line 1, replace "A" by -- The --.

In claim 28, line 1, replace "A" by -- The --.

Art Unit: 2628

In claim 29, line 1, replace "A" by -- The --.

In claim 30, line 1, replace "A" by -- The --.

In claim 31, line 1, replace "A" by -- The --.

In claim 32, line 1, replace "A" by -- The --.

In claim 33, line 1, replace "A" by -- The --.

In claim 34, line 1, replace "A" by -- The --.

In claim 35, line 1, replace "A" by -- The --.

In claim 36, line 1, replace "A" by -- The --.

In claim 37, line 1, replace "A" by -- The --.

In claim 38, line 1, replace "A" by -- The --.

In claim 39, line 1, replace "A" by -- The --.

In claim 40, line 1, replace "A" by -- The --.

In claim 41, line 1, replace "A" by -- The --.

In claim 42, line 1, replace "A" by -- The --.

In claim 43, line 1, replace "A" by -- The --.

In claim 44, line 1, replace "A" by -- The --.

In claim 46, line 1, replace "A customized media stream" by -- The system --.

In claim 47, line 1, replace "A customized media stream" by -- The system --.

In claim 48, line 1, replace "A customized media stream" by -- The system --.

In claim 49, line 1, replace "A customized media stream" by -- The system --.

In claim 50, line 1, replace "A customized media stream" by -- The system --.

Art Unit: 2628

In claim 51, line 1, replace "A customized media stream" by - - The system - -.

In claim 52, line 1, replace "A customized media stream" by - - The system - -.

In claim 53, line 1, replace "A customized media stream" by - - The system - -.

In claim 54, line 1, replace "A customized media stream" by - - The system - -.

In claim 55, line 1, replace "A customized media stream" by - - The system - -.

In claim 56, line 1, replace "A customized media stream" by - - The system - -.

In claim 57, line 1, replace "A customized media stream" by - - The system - -.

In claim 58, line 1, replace "A customized media stream" by - - The system - -.

In claim 59, line 1, replace "A customized media stream" by - - The system - -.

In claim 60, line 1, replace "A customized media stream" by - - The system - -.

In claim 61, line 1, replace "A customized media stream" by - - The system - -.

In claim 62, line 1, replace "A customized media stream" by - - The system - -.

In claim 63, line 1, replace "A customized media stream" by - - The system - -.

In claim 64, line 1, replace "A customized media stream" by - - The system - -.

In claim 65, line 1, replace "A customized media stream" by - - The system - -.

In claim 66, line 1, replace "A customized media stream" by - - The system - -.

In claim 67, line 1, replace "A customized media stream" by - - The system - -.

In claim 68, line 1, replace "A customized media stream" by - - The system - -.

In claim 69, line 1, replace "A customized media stream" by - - The system - -.

In claim 70, line 1, replace "A customized media stream" by - - The system - -.

In claim 71, line 1, replace "A customized media stream" by - - The system - -.

In claim 72, line 1, replace "A customized media stream" by - - The system - -.

Art Unit: 2628

In claim 73, line 1, replace "A customized media stream" by - - The system - -.

In claim 91, line 14, after "criteria", inserting - - , using computer device for - -.

In claim 96, line 10. before "processing" insert - - using a computer device for - -.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272 7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phu K. Nguyen/

Primary Examiner, Art Unit 2628